

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**TERESITA CADELINA VALDEZ**  
3122 Penitencia Creek Road  
San Jose, CA 95132

Registered Nurse License No. **229391**

Respondent

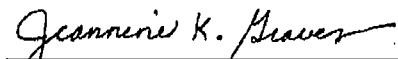
Case No. 2011-548

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **June 24, 2011.**

IT IS SO ORDERED **June 24, 2011.**



\_\_\_\_\_  
President

Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
Deputy Attorney General  
4 State Bar No. 141461  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-548

11 **TERESITA CADELINA VALDEZ**  
12 **3122 Penitencia Creek Road**  
13 **San Jose, CA 95132**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Registered Nurse License No. RN 229391**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
21 Registered Nursing. She brought this action solely in her official capacity and is represented in  
22 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Jonathan D.  
23 Cooper, Deputy Attorney General.

24 2. Teresita Cadelina Valdez (Respondent) is representing herself in this proceeding and  
25 has chosen not to exercise her right to be represented by counsel.

26 3. On or about September 30, 1972, the Board of Registered Nursing issued Registered  
27 Nurse License No. RN 229391 to Teresita Cadelina Valdez (Respondent). The Registered Nurse  
28 License was in full force and effect at all times relevant to the charges brought in Accusation No.

1 2011-548 and will expire on September 30, 2012, unless renewed.

2 **JURISDICTION**

3 4. Accusation No. 2011-548 was filed before the Board of Registered Nursing (Board),  
4 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
5 and all other statutorily required documents were properly served on Respondent on December  
6 16, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
7 Accusation No. 2011-548 is attached as Exhibit A and incorporated by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, and understands the charges and allegations in  
10 Accusation No. 2011-548. Respondent also has carefully read, and understands the effects of this  
11 Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
14 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
15 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
16 compel the attendance of witnesses and the production of documents; the right to reconsideration  
17 and court review of an adverse decision; and all other rights accorded by the California  
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent understands that the charges and allegations in Accusation No. 2011-548,  
23 if proven at a hearing, constitute cause for imposing discipline upon her Registered Nurse  
24 License.

25 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
26 further proceedings, Respondent hereby gives up her right to contest that cause for discipline  
27 exists based on those charges.

28 10. Respondent understands that by signing this stipulation she enables the Board to issue

1 an order accepting the surrender of her Registered Nurse License without further process.

2 **CONTINGENCY**

3 11. This stipulation shall be subject to approval by the Board of Registered Nursing.  
4 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
5 Registered Nursing may communicate directly with the Board regarding this stipulation and  
6 surrender, without notice to or participation by Respondent. By signing the stipulation,  
7 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
8 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
9 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be  
10 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
11 between the parties, and the Board shall not be disqualified from further action by having  
12 considered this matter.

13 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of  
14 License and Order, including facsimile signatures thereto, shall have the same force and effect as  
15 the originals.

16 13. This Stipulated Surrender of License and Order is intended by the parties to be an  
17 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
18 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
19 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
20 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
21 executed by an authorized representative of each of the parties.

22 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
23 the Board may, without further notice or formal proceeding, issue and enter the following Order:

24 **ORDER**

25 IT IS HEREBY ORDERED that Registered Nurse License No. RN 229391, issued to  
26 Respondent Teresita Cadelina Valdez, is surrendered and accepted by the Board of Registered  
27 Nursing.  
28

15. The surrender of Respondent's Registered Nurse License and the acceptance of the

1 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
2 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
3 license history with the Board.

4 16. Respondent shall lose all rights and privileges as a registered nurse in California as of  
5 the effective date of the Board's Decision and Order.

6 17. Respondent shall cause to be delivered to the Board her wall license certificate and, if  
7 one was issued, her pocket license on or before the effective date of the Decision and Order.

8 18. If Respondent ever files an application for licensure or a petition for reinstatement in  
9 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
10 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
11 effect at the time the petition is filed, and all of the charges and allegations contained in  
12 Accusation No. 2011-548 shall be deemed to be true, correct and admitted by Respondent when  
13 the Board determines whether to grant or deny the petition.

14 19. Upon reinstatement of the license, Respondent shall pay to the Board costs associated  
15 with its investigation and enforcement pursuant to Business and Professions Code section 125.3  
16 in the amount of \$2,507.25. Respondent shall be permitted to pay these costs in a payment plan  
17 approved by the Board.

18 20. If Respondent should ever apply or reapply for a new license or certification, or  
19 petition for reinstatement of a license, by any other health care licensing agency in the State of  
20 California, all of the charges and allegations contained in Accusation, No. 2011-548 shall be  
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 21. Respondent shall not apply for licensure or petition for reinstatement for two (2)  
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

25 **ACCEPTANCE**

26 I have carefully read the Stipulated Surrender of License and Order. I understand the  
27 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated  
28 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound

1 by the Decision and Order of the Board of Registered Nursing.

2  
3 DATED:

March 29, 2011

  
TERESITA CADELINA VALDEZ

Respondent

4  
5  
6 **ENDORSEMENT**

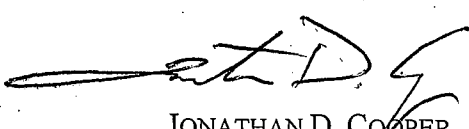
7 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
8 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

9 Dated:

4/20/11

Respectfully submitted,

10 EDMUND G. BROWN JR.  
11 Attorney General of California  
12 FRANK H. PACOE  
13 Supervising Deputy Attorney General

14   
15 JONATHAN D. COOPER  
16 Deputy Attorney General  
17 Attorneys for Complainant

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**Exhibit A**

**Accusation N6: 2011-548**

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1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
Deputy Attorney General  
4 State Bar No. 141461  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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8 **BEFORE THE**  
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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

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Case No. 2011-548

11 **TERESITA CADELINA VALDEZ**  
12 **3122 Penitencia Creek Road**  
13 **San Jose, CA 95132**

**ACCUSATION**

14 **Registered Nurse License No. RN 229391**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about September 30, 1972, the Board of Registered Nursing issued Registered  
22 Nurse License Number RN 229391 to Teresita Cadelina Valdez (Respondent). The Registered  
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on September 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.



1       4.    Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
2   that the Board may discipline any licensee, including a licensee holding a temporary or an  
3   inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
4   Nursing Practice Act.

5       5.    Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
6   shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
7   licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
8   Code, the Board may renew an expired license at any time within eight years after the expiration.

9                               **STATUTORY AND REGULATORY PROVISIONS**

10       6.    Section 2761 of the Code states:

11           The board may take disciplinary action against a certified or licensed nurse or deny an  
12   application for a certificate or license for any of the following:

13       (a) Unprofessional conduct, which includes, but is not limited to, the following:

14       (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
15   functions.

16                               ...

17       7.    California Code of Regulations, title 16, section 1442, states:

18           As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from  
19   the standard of care which, under similar circumstances, would have ordinarily been exercised by  
20   a competent registered nurse. Such an extreme departure means the repeated failure to provide  
21   nursing care as required or failure to provide care or to exercise ordinary precaution in a single  
22   situation which the nurse knew, or should have known, could have jeopardized the client's health  
23   or life.

24       8.    California Code of Regulations, title 16, section 1443, states:

25           As used in Section 2761 of the code, "incompetence" means the lack of possession of or the  
26   failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
27   exercised by a competent registered nurse as described in Section 1443.5.

28   ///

1 COSTS

2 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 FACTUAL SUMMARY

7 10. On or about December 24, 2004, Respondent was working as a registered nurse at  
8 Kaiser Santa Clara Medical Center (hereinafter "the hospital") in Santa Clara, California.

9 11. Respondent administered and assisted in administering Tissue Plasminogen Activator  
10 (hereinafter "TPA")<sup>1</sup> to Patient 1.<sup>2</sup> Respondent failed, however, to verify that she was  
11 administering the correct amount of TPA to Patient 1 by reviewing the physician's order or by  
12 complying with the hospital's policies and procedures applicable to the administration of TPA.  
13 As a direct result of these failures, Respondent administered an overdose of TPA to Patient 1.  
14 Patient 1 died shortly thereafter.

15 FIRST CAUSE FOR DISCIPLINE

16 (Gross Negligence/Incompetence)

17 12. Respondent is subject to disciplinary action under section 2761(a)(1) of the Code in  
18 that she acted with incompetence and/or gross negligence in carrying out usual certified or  
19 licensed nursing functions, as set forth above in paragraphs 10-11.

20 SECOND CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct)

22 13. Respondent is subject to disciplinary action under section 2761(a) of the Code in that  
23 she acted unprofessionally, as set forth above in paragraphs 10-11.

24 ///

25 ///

26 <sup>1</sup> TPA is a clot-dissolving enzyme. It is used in treatment of heart attacks and strokes.  
27 TPA is a dangerous drug pursuant to Business and Professions Code section 4022.

28 <sup>2</sup> The identity of Patient 1 is withheld to protect patient privacy.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 229391, issued to Teresita Cadelina Valdez;

2. Ordering Teresita Cadelina Valdez to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

12/16/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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